

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**RUSSELL ZINTER, JACK MILLER,
BRIAN HOWD, JAMES A. MEAD,
JOSEPH BRANDON PIERCE; MARK
BROWN; DAVID BAILEY; JUAN
GONZALES JR., KEVIN EGAN,
JONATHON GREEN, and JAMES
SPRINGER,**

Plaintiffs,

V.

CIVIL ACTION NO. SA-18-CA-680-FB

**CHIEF JOSEPH SALVAGGIO;
LIEUTENANT *JOHN DOE* ANDERSON;
OFFICER *JANE DOE* GOLDMAN;
OFFICER *JOHN DOE* VASQUEZ;
CPL. C. MANDRY; SERGEANT *JOHN
DOE*; DETECTIVE JIM *WELLS*;
OFFICER L. FARIAS, Badge 534;
OFFICER *JOHN DOE* EVANS, Badge 556;
OFFICER *JOHN DOE* HERNANDEZ;
JOHN DOE TAZER 1; *JOHN DOE
TAZER 2*; and THE CITY OF LEON
VALLEY,**

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court are the Report and Recommendation of the United States Magistrate Judge (docket no. 62) concerning Plaintiffs' Motion for Preliminary Injunction (docket no. 46), along with plaintiffs' written objections (docket no. 63) thereto. The Magistrate Judge found that plaintiffs have failed to establish that a preliminary injunction is warranted at this time. The report therefore recommends that the motion be denied.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) ("A

judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).


On the other hand, any Report and Recommendation to which objection is made requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

The Court has thoroughly analyzed plaintiffs' submission in light of the entire record. As required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire record in this cause and has conducted a de novo review with respect to those matters raised by the objections. After due consideration, the Court concludes plaintiffs' objections lack merit.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge (docket no. 62) is ACCEPTED pursuant to 28 U.S.C. § 636 (b) (1) such that, because they have failed to carry their burden, Plaintiffs' Motion for Preliminary Injunction (docket no. 46) is DENIED. Notwithstanding the foregoing, nothing in the Report and Recommendation or this Order should be seen as a ruling on the merits of plaintiffs' 42 U.S.C. § 1983 claims at this early stage.

It is so ORDERED.

SIGNED this 26th day of November, 2018.


FRED BIERY
UNITED STATES DISTRICT JUDGE